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November 28, 2023

Via ECF:

Honorable Lewis J Liman
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

re: Creighton v City of New York, et al., 23-CV-4497 (LJL)

The parties' request for an adjournment of the Initial Pretrial Conference pending the completion of the § 1983 Plan is GRANTED. The Initial Pretrial Conference is adjourned *sine die*. The Parties shall file a joint status letter with the Court once the § 1983 Plan concludes.

DATE: November 29, 2023

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Dear Judge Liman,

My office represents plaintiff Tyrone Creighton in the above matter. In that capacity, I write along with Michael Pesin Virovets, Esq., Counsel for Defendant City of New York ("Defendants") in advance of our Initial Conference, scheduled for December 5, 2023, to respectfully request an adjournment of the Initial Conference until after § 1983 Plan has concluded.

By way of background, Plaintiff brought this action pursuant to 42 U.S.C. § 1983, alleging constitutional violations for false arrest, malicious prosecution, denial of the right to a fair trial and failure to intervene, as well as related state law claims. The reason for the Parties' request is that on May 31, 2023 this case was designated for participation in the § 1983 Plan. The parties are currently in the process of scheduling the mediation and would like to see if the matter can be resolved through participation in the § 1983 Plan before engaging in further litigation. The parties respectfully request permission to notify the Court at the conclusion of the mediation if the matter has been resolved, or if not, to request that the Court schedule an Initial Conference at that time. If the Court is not inclined to grant the parties request, the undersigned is still requesting an adjournment of the Initial Conference because the undersigned will be on trial in the Eastern District of New York before the Honorable William F. Kuntz II in the matter of Jones v. Mayflower International Hotel Group, Inc., et al., 15-CV-4435 (WFK) (JRC), which is expected to last approximately five days. As the parties believe that the matter may resolve at mediation, in the interest of judicial economy, the undersigned respectfully requests that the Initial Conference be adjourned *sine die*.

The Parties thank the Court for its consideration herein.

Respectfully submitted,

/s/ Evan Brustein

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